

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL NO. 3:07-CV-00266-W**

ATLANTIC SKANSKA, INC.,)
)
 Plaintiff and Counterclaim)
 Defendant,)

vs.)

CITY OF CHARLOTTE, NORTH)
 CAROLINA, and CH2M HILL, INC.,)
)
 Defendants.)

ATLANTIC SKANSKA, INC.,)
)
 Third Party Plaintiff,)

v.)

ENVIRONMENTAL DYNAMICS, INC.,)
 and AUGUST FIBERGLASS)
 COATINGS, INC.,)
)
 Third Party Defendants.)

ORDER

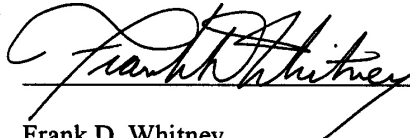
THIS MATTER is before the Court, *sua sponte*, regarding the status of the case. By Joint Stipulation of Dismissal filed October 27, 2008 (Doc. No. 68), Atlanta Skanska, Inc., the City of Charlotte, CH2M-Hill, Inc., and Environmental Dynamics, Inc., dismissed all matters in controversy among them, thus leaving the claims between Atlantic Skanska, Inc., and Augusta Fiberglass Coatings as the only remaining matters to be litigated in this case. Counsel for these two remaining parties have advised chambers' staff telephonically that they have settled all matters in controversy among them. Indeed, according to counsel, the parties have executed a settlement agreement, made

substantial steps towards satisfaction of that agreement, and are simply awaiting receipt of the check via the U.S. Postal Service so that it may be properly deposited.

IT IS THEREFORE ORDERED that this matter is DISMISSED subject to the right of either Atlantic Skanska, Inc., or Augusta Fiberglass Coatings, Inc., to file a motion to reopen the case should settlement not be consummated by November 30, 2008. The CLERK is DIRECTED to CLOSE THE CASE and remove this matter from the Court's trial calendar for November 10, 2008. The remaining two parties are DIRECTED to file their Stipulation of Dismissal on or before November 30, 2008 so that it may be reflected on the docket .

IT IS SO ORDERED.

Signed: November 6, 2008


Frank D. Whitney
United States District Judge

